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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2170.

30 September 1987

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 72 of 1987: Temporary Removal of Restrictions on Economic Activities Amendment Act, 1987.

No. 2170.

30 September 1987

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 72 van 1987: Wysigingswet op die Tydelike Opheffing van Beperkings op Ekonomiese Bedrywighede, 1987.

Act No. 72, 1987

TEMPORARY REMOVAL OF RESTRICTIONS ON ECONOMIC
ACTIVITIES AMENDMENT ACT, 1987

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Temporary Removal of Restrictions on Economic Activities Act, 1986, so as to further define the powers of the State President; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 18 September 1987.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 87 of 1986.

1. Section 1 of the Temporary Removal of Restrictions on Economic Activities Act, 1986 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsections (2) and (3), the State President may, if he is of the opinion that circumstances exist under which the application of any law or compliance with any condition, limitation or obligation thereunder, **[relating to the carrying on or exercising of any undertaking, industry, trade or occupation]** unduly impedes **[the]** economic **[progress of the persons engaged in the carrying on or exercising of that undertaking, industry, trade or occupation]** develop-
ment or competition in the **[fields in question]** eco-
nomic field, or the creation of job opportunities, by proclamation in the *Gazette*—

(a) suspend that law, condition, limitation or obligation in whole or in part; or

(b) in whole or in part grant exemption, or provide for the granting of such exemption by a specific person or body, from the provisions of that law, condition, limitation or obligation,

in general, or with regard to—

(i) a specific **[class of]** undertaking, industry, trade or occupation or a specific class thereof;

(ii) a specific area **[in which]**;

(iii) a specific person or class of persons **[by whom]**; **[or]**

(iv) specific circumstances under which any undertaking, industry, trade or occupation or class thereof is carried on or exercised.”; and

WYSIGINGSWET OP DIE TYDELIKE OPHEFFING VAN
BEPERKINGS OP EKONOMIESE BEDRYWIGHED, 1987

Wet No. 72, 1987.

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Tydelike Opheffing van Beperkings op Ekonomiese Bedrywighede, 1986, ten einde die bevoegdhede van die Staatspresident nader te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 September 1987.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op die Tydelike Opheffing van Beperkings op Ekonomiese Bedrywighede, 1986 (hieronder die 5 Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 87 van 1986.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

10 “(1) Behoudens die bepalings van subartikels (2) en (3) kan die Staatspresident, indien hy van oordeel is dat daar omstandighede bestaan waarin die toepassing van 'n wet of die nakoming van 'n voorwaarde, beperking of verpligting daarkragtens **[met betrekking tot die bedryf, uitoefening of beoefening van 'n onderneming, nywerheid, bedryf of beroep, die]** ekonomiese **[vooruitgang van die persone betrokke by die bedryf, beoefening of uitoefening van daardie onderneming, nywerheid, bedryf of beroep,]** ontwikkeling of mededinging op **[die betrokke terreine]** ekonomiese terrein, of die skepping van werkgeleenthede, onbehoorlik strem, by proklamasie in die *Staatskoerant*—

20 (a) daardie wet, voorwaarde, beperking of verpligting in die geheel of ten dele opskort; of

25 (b) in die geheel of ten dele vrystelling verleen, of voorsiening maak vir die verlening van sodanige vrystelling deur 'n bepaalde persoon of liggaam, van enige bepalings van daardie wet, voorwaarde, beperking of verpligting, in die algemeen, of ten opsigte van—

30 (i) 'n bepaalde **[klas]** onderneming, nywerheid, bedryf of beroep of 'n bepaalde klas daarvan;

(ii) 'n bepaalde gebied **[waarin];**

(iii) 'n bepaalde persoon of klas persone **[deur wie];**
[of]

35 (iv) bepaalde omstandighede waaronder 'n [klas] onderneming of nywerheid of klas daarvan bedryf word of 'n [klas] bedryf of beroep of klas daarvan uitgeoefen of beoefen word.”; en

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(b) by the substitution for subsection (2) of the following subsection:

“(2) (a) An Act of Parliament or any condition, limitation or obligation thereunder shall be so suspended or exemption from the provisions thereof granted, only—

[(a)] (i) if and to the extent to which that Act relates to any matter mentioned in the Schedule;

[(b)] (ii) on the advice of a standing committee of Parliament to which the suspension or exemption in question has been referred.

(b) Paragraph (a) shall not be construed as including any condition, limitation or obligation under any proclamation, regulation or notice under such Act.”.

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Amendment of
section 2 of
Act 87 of 1986.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (i) of the following paragraph:

“(i) represents the persons **[of]** or class of persons concerned contemplated in section 1;”.

Amendment of
Schedule to
Act 87 of 1986.

3. The Schedule to the principal Act is hereby amended by the 20 substitution for Part I of the following Part:

“PART I

Matters with regard to—

(a) the requirements for the registration and licensing of businesses, undertakings, industries, trades and occupations; **[and]**

(b) the employment or use of land, **[and]** premises and buildings **[for the carrying on or exercising thereof];**

(c) the acquisition and occupation of land, premises and buildings in respect of which any town planning scheme under any law or a restriction under any condition of title is in operation or binding, excluding any land, premises and buildings which in terms of such scheme or condition of title may be occupied or used exclusively or partially for residential purposes;

[(b)] (d) health requirements with which persons, premises and buildings **[on or in which activities contemplated in paragraph (a) are carried on]** must comply;

[(c)] (e) the prohibition or regulation of, or restriction on, the erection of dwellings, buildings and other structures;

[(d)] (f) the conveyance of persons and goods **[within, from and to a specific area];**

[(e)] (g) the establishment of **[towns]** townships and town planning;

[(f)] (h) the days on which and the times when business may be done.”.

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Substitution of
long title of
Act 87 of 1986.

4. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To empower the State President to suspend temporarily laws or conditions, limitations or obligations thereunder **[with regard to certain undertakings, industries, trades and occupations]** or to grant temporary exemp-

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WYSIGINGSWET OP DIE TYDELIKE OPHEFFING VAN
BEPERKINGS OP EKONOMIESE BEDRYWIGHED, 1987

Wet No. 72, 1987

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) (a) ’n Wet van die Parlement of ’n voorwaarde, beperking of verpligting daarkragtens word aldus opgeskort of vrystelling van die bepalings daarvan word aldus verleen, slegs—

5 **[(a)] (i)** indien en in die mate waarin daardie Wet betrekking het op ’n aangeleentheid in die Bylae genoem; en

10 **[(b)] (ii)** op advies van ’n staande komitee van die Parlement na wie die beoogde opskorting of vrystelling verwys is.

(b) Paragraaf (a) word nie uitgelê as sou dit ’n voorwaarde, beperking of verpligting kragtens ’n proklamasie, regulasie of kennisgewing kragtens sodanige Wet insluit nie.”

2. Artikel 2 van die Hoofwet word hierby gewysig deur in die Engelse teks paragraaf (i) deur die volgende paragraaf te vervang:

Wysiging van
artikel 2 van
Wet 87 van 1986.

20 “(i) represents the persons **[of] or** class of persons concerned contemplated in section 1;”.

3. Die Bylae by die Hoofwet word hierby gewysig deur Deel I deur die volgende Deel te vervang:

Wysiging van
Bylae by
Wet 87 van 1986.

“DEEL I

25 Aangeleenthede met betrekking tot—

(a) die vereistes vir die registrasie en lisensiëring van besighede, ondernemings, nywerhede, bedrywe en beroepe; **[en]**

30 **(b)** die aanwending of gebruik van grond, **[en]** persele en geboue **[vir die bedryf, beoefening of uitoefening daarvan];**

35 **(c)** die verkryging en okkupasie van grond, persele en geboue ten opsigte waarvan ’n dorpsaanleg- of dorpsbeplanningskema kragtens een of ander wet of ’n beperking kragtens ’n geregistreerde titelvoorwaardê in werking of bindend is, uitgesonderd grond, geboue en persele wat ingevolge daardie skema of titelvoorwaarde uitsluitlik of gedeeltelik vir woondoeleindes geokkupeer of gebruik mag word;

40 **[(b)] (d)** gesondheidsvereistes waaraan persone, persele en geboue **[waarop of waarin bedrywighede bedoel in paragraaf (a) verrig word,]** moet voldoen;

45 **[(c)] (e)** die verbod op, of die reëling of beperking van, die oprigting van wonings, geboue en ander strukture;

50 **[(d)] (f)** die vervoer van persone en goedere **[in, vanuit en na ’n bepaalde gebied];**

[(e)] (g) die stigting van dorpe en dorpsbeplanning;

[(f)] (h) die dae waarop en tye wanneer besigheid gedoen kan word.”.

55 4. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van
lang titel van
Wet 87 van 1986.

“WET

60 Om die Staatspresident te magtig om wette of voorwaardes, beperkings of verpligtings daarkragtens **[met betrekking tot sekere ondernemings, nywerhede, bedrywe en beroepe]** tydelik op te skort of tydelik vrystel-

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tion from the provisions thereof, if in his opinion circumstances exist under which the application of or compliance with those laws, conditions, limitations or obligations unduly impedes **[the] economic [progress of the persons engaged in those undertakings, industries, trades and occupations]** development or competition in the **[fields in question]** economic field, or the creation of job opportunities; and to provide for incidental matters.”.

Short title.

5. This Act shall be called the Temporary Removal of Restrictions on Economic Activities Amendment Act, 1987.

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BEPERKINGS OP EKONOMIESE BEDRYWIGHED, 1987

Wet No. 72, 1987

5 ling van die bepalings daarvan te verleen, indien daar
na sy mening omstandighede bestaan waarin die toe-
passing of nakoming van daardie wette, voorwaardes,
beperkings of verpligtings **[die]** ekonomiese **[vooruit-**
gang van die persone betrokke by die ondernemings, ny-
werhede, bedrywe en beroepe] ontwikkeling of mede-
dinging op **[die betrokke terreine]** ekonomiese terrein,
10 of die skepping van werkgeleenthede, onbehoorlik
strem; en om vir bykomstige aangeleenthede voorsie-
ning te maak.”.

5. Hierdie Wet heet die Wysigingswet op die Tydelike Kort titel.
Opheffing van Beperkings op Ekonomiese Bedrywighede, 1987.

